

June 10, 2014

To: Assembly member Achadjian
Senator Monning

From: Toby Ewing, Consultant
Senate Governance and Finance Committee

Re : AB 2453

AB 2453 would establish the Paso Robles Basin Water District with a governing board of 9 members, six representing landowners based on a one-acre/one vote weighted voting, as specified in the bill, and three elected at large with a one-person/one-vote requirement.

In recognition of the controversy in the region regarding the proposed governance structure for the new district, please consider an option that has precedent.

The Legislature has in the past authorized a County Board of Supervisors to appoint the initial board of a new district, with successive boards being elected. This approach is consistent with how vacancies can be filled. Similarly, the Legislature has required landowner-only irrigation districts to transition to voter districts when they begin to offer electricity services (SB 1939, Alarcón, 2000) or if they provide 3,000 or more acre-feet of water to residential customers or have more than 3,000 customers (AB 159, Salinas, 2006).

A similar transition approach may offer benefits over the current proposal:

- An appointed board would allow the district to be formed more quickly.
- An appointed board, following the governance structure of the bill, will allow for the district to begin operating with the representation outlined in AB 2453 and incumbents would be eligible to subsequently run for election.
- An appointed board that is followed by an elected board based on one-person/one-vote may address opposition to the current bill regarding lack of representation.
- The transition to a popularly elected board may reduce the risk of litigation over the constitutionality of the governance structure.

Please consider the following language. This language is not in legislative counsel form.

I would be happy to respond to any questions.

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